

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BLUEFIELD DIVISION

JEFFREY B. SHORT,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:09-01279
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM OPINION

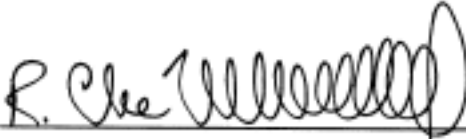
This is an action seeking review of the decision of the Commissioner of Social Security denying Plaintiff's application for Supplemental Security Income (SSI), under Titles II and XVI of the Social Security Act, 42 U.S.C. §§ 1381-1383f. This case is presently pending before the Court on Defendant's Motion to Dismiss (Document No. 14.) Both parties have consented in writing to a decision by the United States Magistrate Judge. (Document Nos. 8 and 9.).

At the beginning of March 2011, Claimant's counsel notified the office of the undersigned that Claimant had died and that this matter should be dismissed as being moot. Claimant's death having eliminated her personal stake in the outcome of this case, and presumably there being no party who qualifies under the Social Security Act to receive an underpayment, the Court hereby finds that this case should be dismissed as moot. See Rosetti v. Shalala, 12 F.3d 1216, 1224 (3d Cir. 1993); 42 U.S.C. § 1383(b)(1)(A)(I); 20 C.F.R. § 416.542(b)(1) (2010).

Accordingly, by Judgment Order entered this day, the Defendant's Motion to Dismiss for failure to prosecute (Document No. 14.) is **DENIED**, and this matter is **DISMISSED as moot** from the docket of this Court.

The Clerk of this Court is directed to provide copies of this Memorandum Opinion to counsel of record.

. ENTER: March 31, 2011.



R. Clarke VanDervort
United States Magistrate Judge